



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of Environmental
Conservation**

DIVISION OF WATER
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DRAFT, 2013

Daniel D. Opalski, Director
Office of Water and Watersheds
US Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101-2617

RE: Response to EPA's Determination of Satisfactory Progress Letter for Alaska's Nonpoint Source (NPS) Management Program (May 13, 2013) and additional state Fiscal Year (FY14) commitment

Dear Mr. Opalski:

I am writing to address the concerns you raised in your May 13, 2013 Determination of Satisfactory Progress letter and convey our commitment to activities that may not have been detailed in the FY14 Performance Partnership Agreement (PPA) and Performance Partnership Grant workplan (PPG). I and my staff appreciate Region 10's (R10) willingness to work with the Department of Environmental Conservation (DEC) to build a program that is tailored to Alaska's unique challenges and needs. By working together I believe we will be able to resolve EPA R10's concerns. I have summarized below both EPA R10's major concerns and DEC's plans for addressing them.

EPA Concern/Recommendation

Alaska has not used at least 80% of its 319 incremental funds for implementing nine element watershed plans or TMDLs in accordance with EPA's guidelines for Clean Water Act (CWA) 319(h) grants. When submitting the SFY14 PPG workplan, Alaska should request a waiver from the base/incremental funding split and a draft updated NPS management plan.

DEC Response

DEC submitted a draft updated NPS Strategy to EPA in June 2013. We received EPA's comments in July and are working to address EPA's concerns and submit a final plan by September 30, 2013. We recognize the draft submittal did not include all the priority activities which DEC will propose to achieve in the next five years (2014-2018). Enclosure 1 is the updated list of priorities we are incorporating into Alaska's NPS Strategy as Appendices A and B. The list illustrates the various activities that we will accomplish using resources DEC plans to dedicate to the NPS Program.

DEC negotiates an annual PPG incorporating all of the 319 funding allocated to Alaska by EPA. Under the PPG guidelines, Alaska is not required to conduct separate accounting for the 319 funds and therefore will not be applying for the waiver you suggested. In fact, as quoted in the State Fiscal

Year 2014 PPA, the draft National Environmental Performance Partnership System FY 2014 Guidance explains that “it is important to note that once grants are combined in a PPG, funds do not have to be tracked by the original program source” (page 4). The Nonpoint Source Program and Grants Guidelines for States and Territories (dated April 12, 2013), clearly provides for the ability for states using PPGs to differ from the national objectives. “In keeping with the goals of PPGs, 40 CFR35.107(a)(1) provides flexibility for states to propose grant workplans that differ...”

This letter, our annual PPG application, and the final updated NPS Strategy serve to document Alaska’s proposed resource distribution, priorities and list of activities for 2014-2018 for Alaska’s NPS program. Beginning in FY15, we will use the annual PPG/PPA process (starting in FY15) to lay out the annual program and report on the progress. We will also submit an annual NPS report detailing progress on the high priority tasks and waters listed in Appendix A and B of the final NPS Strategy (see Enclosure 1). We recognize EPA R10’s desire for a comprehensive strategy and we welcome the opportunity that these vehicles provide for us to articulate that strategy now and as we develop it more fully in the coming years.

EPA Concern/Recommendation

Although the majority of grants (and contracts) using 319 monies have been used for monitoring throughout Alaska, Alaska has added very few waters to the list of impaired waters. EPA requests a plan which could include a chart of the outcomes/decisions made since 2005; where data can be located; plans to monitor the high priority Category 3 waters; and the opportunity to comment on workplans, monitoring strategies, and quality assurance project plans.

DEC Response

DEC’s NPS Strategy is written to address EPA’s concerns. Appendix A of the strategy includes waters targeted for monitoring and an estimated time when decisions from the water quality monitoring can be expected. DEC plans to accomplish our goals through partnerships developed using our annual Alaska Clean Water Actions (ACWA) grant solicitation and other partnerships with federal and local agencies. As you know, EPA already receives grantee workplans/reports via the Grant Reporting and Tracking System (GRTS). We welcome your input on these documents provided your input is received within the timeline for processing the ACWA grants.

DEC recognizes that impairment decisions for the Kenai and Little Susitna Rivers are still under internal review; we appreciate your understanding of the complexity of the data and are considering your request to commit to propose these waters for impairment listing on our 2014 Integrated Report. As you know, water quality monitoring can result in demonstrating attainment of standards as well as impairment. DEC is committed to doing a better job at formally recognizing when waters attain standards. Our recent submittal of the draft Chatanika River attainment decision demonstrates this commitment.

DEC has also placed considerable effort in ensuring water quality data collected is transmitted to EPA’s STOrage and REtrival (STORET) database. In the past three years, we have worked diligently to use the Ambient Water Quality Monitoring System (AWQMS) that EPA helped to develop. Over the last two years, we have insured data from current monitoring projects are input into AWQMS and have uploaded the data to STORET. We have also been working toward insuring prior monitoring project data is loaded in AWQMS. We recognize that retrieving data from STORET is challenging. Unfortunately both DEC and our grantees have been unable to easily retrieve data from STORET. Rather than DEC creating a separate public database or transmitting data piecemeal to

EPA, we believe that a better use of both of our resources will be to have the data we have collected made more easily retrievable from STORET.

EPA Concern/Recommendation

DEC's due date for entry of mandated data elements in the PPG workplan does not align with CWA national guidance.

DEC Response

DEC has modified our data entry due date in the FY14 PPG workplan and is uploading the reports requested.

EPA Concern/Recommendation

DEC should consider preparing a supplemental, narrative annual NPS report which outlines both major successes and challenges.

DEC Response

DEC will provide a narrative with both successes and challenges when we submit our FY13 annual report.

In closing, I sincerely appreciate the efforts you and your staff have made to accommodate Alaska's challenges and unique circumstances. I also want to take this opportunity to remark that the amount of 319 funding Alaska receives is woefully small relative to the vast number of waters in Alaska. Alaska has the same requirements for infrastructure as do other states with many fewer waters and much larger population bases to support programs: resources are required for program management, implementation and maintenance of a grant program, and ensuring adequate data collection and management.

Should you have any questions on our proposal, please contact me directly, or Nancy Sonafrank (907 451-2726) or Cindy Gilder (907 269-3066).

Sincerely,

Michelle Bonnet Hale
Director

cc:
David Croxton, USEPA
Jayne Carlin, USEPA
Sharon Morgan
Nancy Sonafrank
Cindy Gilder

Enclosure1: Appendices A&B from Non-Point Source Strategy